

HAYES TOWNSHIP  
PLANNING COMMISSION REGULAR MEETING  
MINUTES  
July 16, 2019  
Hayes Township Hall 09195 Old US 31 N  
Charlevoix, MI 49720

**Call to Order:**

Chairperson Roy Griffitts called the meeting to order at 7:00 p.m.

**Pledge of Allegiance to the flag**

Members present: Roy Griffitts (Chair), Matt Cunningham (Board of Trustee Representative), Ed Bajos, Cliff Biddick, Doug Kuebler and Omar Feliciano (Vice-Chair)

Excused: Marilyn Morehead

Also Present: Larry Sullivan (Zoning Administrator) and Kristin Baranski (Recording Secretary/Deputy Clerk)

Audience Members Signed In: Leslie Cunningham, Jim McMahon, Penny Parker, Jay Parker, Elliot Falls

**Review Agenda:** July 9<sup>th</sup>, 2019 Master Plan Minutes added to Approval of Minutes

**Declaration of Conflicts of Interests:** None

**Public Hearings:** North Charlevoix Shores Rezoning – map error correction

The Public Hearing began at 7:03 p.m. Mr. Sullivan presented the background of the zoning of North Charlevoix Shores to the Planning Commission. Said parcels were originally zoned R2. In 2009 the zoning map showed North Charlevoix Shores parcels as RR (rural residential) when said map was adopted. Typical RR properties are 5 acres and parcels in North Charlevoix Shores are 1 acre or less. Mr. Sullivan believes it was a coding error on the 2009 adopted zoning map. Chairperson Griffitts opened public comments regarding North Charlevoix Shores rezoning at 7:11 p.m. Mr. Griffitts noted that letters received by township regarding this matter will be attached to minutes. Mr. McMahon spoke about his concern about safety on US 31. Ms. Parker (owner of a North Charlevoix Shores property) hopes planning commission will correct the zoning for said properties. Mr. Parker believes map was coded incorrectly. Public comments closed at 7:17 p.m.

Ed Bajos made a motion, supported by Cliff Biddick, to rezone North Charlevoix Shores parcels back to original zoning of R-2. A roll call was taken.

Yeas: Cliff Biddick, Matt Cunningham, Omar Feliciano, Doug Kuebler, Ed Bajos, Roy Griffitts  
Nays: None Motion Passed

**Public Comments Unrelated to Agenda Items:** None

**Approval of Minutes:**

Doug Kuebler made a motion, supported by Matt Cunningham, to approve, as is, the regular meeting minutes for June 18, 2019.

All supported by saying Yea. Motion passed

Doug Kuebler made a motion, supported by Cliff Biddick, to approve, as is, the Master Plan Workshop minutes for June 25, 2019.

All supported by saying Yea. Motion passed

Cliff Biddick made a motion, supported by Ed Bajos, to approve, as is, the Master Plan Workshop minutes for July 9, 2019.

All supported by saying Yea. Motion passed

**Report of Township Board Representative:** By Matt Cunningham

The Board of Trustees held the BOT monthly meeting on July 8<sup>th</sup>, 2019. Bryan Graham, Hayes Township Attorney, reviewed the township's options for a Marijuana Ordinance. The Board reviewed a preliminary report about Hayes Township Park/Camp Sea Gull. The Board is still waiting for the full report from BRI. The Board also reviewed a brochure from Parks and Rec and reviewed remaining safety concerns at Hayes Township Park/Camp Sea Gull.

The next Board of Trustees scheduled meeting is August 12th, 2019 at the township hall at 7:00 pm.

**Report of Zoning Board of Appeals Representative:** No activity to report.

**Zoning Administrator report:** By Larry Sullivan

Mr. Sullivan, Zoning Administrator, presented a written report with an overview for June 2019. A written report is available at the township hall.

**New Business:**

Falls Site Plan Amendment Request: Mr. Falls presented the updated drawings for the property located at 1170 US-31N, Charlevoix, MI 49720. The engineering drawings propose of three large buildings that will be divided into rental storage units. Due to bank financing, Mr. Falls is requesting a change in building layout to accommodate a more financially sound rental unit layout.

Mr. Griffiths opened the discussion for the determination of whether the proposed project met the standards contained in the zoning ordinance section 6.02.4, A-H.

A. Allow Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **YES**

B. Compatibility with Adjacent Land Uses

- 1.) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. **YES**
- 2.) The proposed special use land will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person . **YES**
- 3.) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses. **NO CONDITIONS IMPOSED.**

C. Public Services

- 1.) The proposed special land use will not place demands on fire, police or other public resources in excess of current capacity. **YES**
- 2.) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services. **YES**

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. **IT IS NOT DETRIMENTAL TO THE ECONOMIC WELL-BEING.**

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. **YES**

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this ordinance. **YES**

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to Section 9.03 of this ordinance. Conditions imposed: no residential use, no storage of hazardous, toxic or explosive materials, no commercial activity, no more access driveways to US-31.

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to Section 9.06 of this Ordinance. **NONE**

STANDARDS FOR GRANTING SITE PLAN APPROVAL:

A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed ~~site~~ **site** plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

1.) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in the Ordinance. **PLAN MEETS THIS STANDARD. BUILDINGS ARE TO BE NEUTRAL COLOR ONLY.**

2.) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **YES. OWNER IS REQUIRED TO MAINTAIN A MINIMUM OF 14 4-FOOT OR TALLER ARBORVITAE, PLANTED AND**

**SPACED EVENLY THE LENGTH OF THE WEST WALL ON THE BUILDING FACING THE NON-MOTORARIZED TRAIL.**

- 3.) Special attention shall be given to proper site drainage so that storm waters will not adversely affect neighboring properties. **YES**
- 4.) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protections and enhancement of property and for the privacy of its occupants. **YES**
- 5.) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **MR. FALLS MUST OBTAIN APPROVAL FROM FIRE MARSHALL THAT PLAN IS ACCEPTABLE.**
- 6.) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **YES**
- 7.) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **YES. NO OUTDOOR STORAGE ALLOWED.**
- 8.) Exterior lighting shall be arranged as follows: **YES, ALL BUILDINGS WILL BE DOWN-LIGHTED, MOTION SENSING LIGHTS ON DOORWAYS AND MEETS THE STANDARDS BELOW. ZONING ADMINISTRATOR TO APPROVE LIGHTING PLAN.**
  - a.) It is deflected away from properties.
  - b.) It does not impede the vision of traffic along adjacent streets.
  - c.) It does not unnecessarily illuminate night skies.
- 9.) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrians or bicycle pathways in area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right of way. **YES**
- 10.) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications. **NO ROADS BEING DEVELOPED.**
- 11.) Site plans shall conform to all applicable requirements of state and federal status and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **YES**

B.) The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health department and the Michigan Department of Natural Resources, where applicable. **YES. ZONING ADMINISTRATOR WILL CONFIRM FIRE CHIEF'S RECOMMENDATIONS.**

Ed Bajos made the motion, supported by Omar Feliciano to approve the site plan with the conditions noted above. A roll call was taken. Mr. Biddick-yes, Mr. Cunningham-yes, Mr. Feliciano-yes, Mr. Bajos-yes, Mr. Kuebler-yes, Mr. Griffiths-yes. **Motion Passed**

**Master Plan update:** Mr. Griffiths has a meeting with BRI to review Mater Plan edits.

**Old Business:** Non-conforming lots

**Set Public Hearing Date:** Elmer's special use permit request is currently scheduled for the Planning Commission regular meeting on August 20<sup>th</sup>, 2019 at 7:00 p.m.

**Planning Commission Comments:** None

**Public Comment:** None

**Set/Confirm date of next PC meeting:** The Next regular Planning Committee meeting will be on August 20<sup>th</sup>, 2019 at 7:00 p.m. at the Hayes Township hall.

**Adjournment:** Ed Bajos, supported by Cliff Biddick, made the motion to adjourn the meeting at 8:33 pm. All supported by saying Yea. **Motion passed**

Recorded by:  
Kristin Baranski

Respectfully Submitted by:  
Omar Feliciano/PC Vice-Chair